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REMARKS

Applicants have thoroughly considered the Examiner's remarks and the application has been amended in light thereof. Claims 1-13, 15-31, 45, and 48-52, 57 and 58 are presented in the application for further examination. Claim 45 has been amended by this Amendment B. Claims 32-35, 37-44, 55 and 56 have been canceled and claims 57-58 have been added by this Amendment B. Reconsideration of the application claims as amended and in view of the following remarks is respectfully requested. The following remarks will follow the sequence of the Office action.

Claims 1-3, 6-8, 10-11, 15, 17-21, 23-27, 30, 31, 45, and 48-52 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Unger et al. (US 6,093,027) in view of Hartman et al. (US 5,960,411). Unger teaches placing a single order for disposable absorbent articles used by women for catamenial protection. (Unger, column 4, lines 16-18) Hartman teaches that items may be ordered from a web site with a single action. (Hartman column 3, line 31-33) Hartman also discloses that a consumer may continue shopping after verifying order items. (Hartman, Fig. 1C)

With respect to claim 1, claim 1 recites "accepting at the first location a [first] purchase order placed by the consumer at the second location for at least the determined assortment of feminine care products" and "prompting the consumer to place another purchase order for products corresponding to the determined assortment of feminine care products." Unlike Hartman, claim 1 recites that the consumer will be prompted to place an order for specific products, "products corresponding to the determined assortment of feminine care products". Hartman does not

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disclose prompting the consumer to place another, second purchase order for a determined assortment of products. In fact, Hartman is silent on the function of the "continue shopping" feature, as the reference character 108 does not appear in the specification of the patent. Thus, Hartman fails to address the problem solved by the invention and teaches away from the invention. Accordingly, claims 1 and the claims depending therefrom are patentable over these references and the rejection should be withdrawn.

With respect to claim 18, claim 18 recites "prompting the consumer periodically as a function of the collected information and the accepted purchase order to place another purchase order for products corresponding to the recommended assortment of feminine care products." Unger does not teach prompting the consumer to place another purchase order. Hartman does not teach that the prompting is a function of the collected information and the accepted purchase order. In fact, Hartman is silent on the function of the "continue shopping" feature, as the reference character 108 does not appear in the specification of the patent. Thus, Hartman fails to address the problem solved by the invention and teaches away from the invention. Accordingly, claim 18 and the claims depending therefrom are patentable over these references and the rejection should be withdrawn.

With respect to claim 45, claim 45 as amended recites "place a purchase order for a feminine care kit including at least one type of absorbent catamenial product and at least one additional product including an ovulation test." Unger and Hartman do not disclose placing an order for at least one additional product including an ovulation test.

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Thus, claim 45 and the claims depending therefrom are patentable over these references and the rejection should be withdrawn. Applicants fail to see the basis for this rejection. Applicants respectfully request the Examiner point to specific references to an ovulation test in Unger and Hartman or remove the rejection.

Claims 4 and 22 stand rejected under 35 U.S.C. §103(a) as being unpatentable Unger in view of Hartman and further in view of Park. The Park reference is deficient for at least the same reasons as noted above with regard to Hartman and Unger. In particular, the Park reference fails to teach prompting the consumer to place another purchase order for products corresponding to the determined assortment of feminine care products. Thus, claims 1 and 18 and the claims depending therefrom are patentable over these references. Claims 4 and 22 depending from claims 1 and 18, respectively, are patentable for the same reasons as claims 1 and 18 so that this rejection should be withdrawn.

Claim 5 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Unger in view of Hartman and further in view of Miller (5,947,302). Once again, claim 5 depends from claim 1 and is patentable for the same reasons as claim 1. In particular, the Miller patent fails to disclose or suggest prompting the consumer to place another purchase order for products corresponding to the determined assortment of feminine care products. Thus, claim 1 the claims depending therefrom are patentable over these references. Claim 5 depends from claim 1 and is patentable for the same reasons as claims 1 so that this rejection should be withdrawn.

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Claims 9 and 29 stand rejected under 35 U.S.C. §103(a) as being unpatentable Unger in view of Hartman and further in view of Isaacson (20020019778). The Isaacson reference is deficient for at least the same reasons as noted above with regard to Hartman and Unger. In particular, the Isaacson reference fails to teach prompting the consumer to place another purchase order for products corresponding to the determined assortment of feminine care products. Thus, claims 1 and 18 and the claims depending therefrom are patentable over these references. Claims 9 and 29 depending from claims 1 and 18, respectively, are patentable for the same reasons as claims 1 and 18 so that this rejection should be withdrawn.

Claim 12 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Unger in view of Hartman and further in view of Swartz. Once again, claim 12 depends from claim 1 and is patentable for the same reasons as claim 1. In particular, the Swartz patent fails to disclose or suggest prompting the consumer to place another purchase order for products corresponding to the determined assortment of feminine care products. Thus, claim 1 the claims depending therefrom are patentable over these references. Claim 12 depends from claim 1 and is patentable for the same reasons as claims 1 so that this rejection should be withdrawn.

Claim 13 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Unger in view of Hartman and further in view of Swartz (5,947,302). Once again, claim 13 depends from claim 1 and is patentable for the same reasons as claim 1. In particular, the Miller patent fails to disclose or suggest prompting the consumer to place

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another purchase order for products corresponding to the determined assortment of feminine care products. Thus, claim 1 the claims depending therefrom are patentable over these references. Claim 13 depends from claim 1 and is patentable for the same reasons as claims 1 so that this rejection should be withdrawn.

Claims 16 and 28 stand rejected under 35 U.S.C. §103(a) as being unpatentable Unger in view of Hartman and further in view of Official Notice "that it is old and well known in the art to periodically prompt a user to take an action." Applicants take exception to and traverse the Examiner's Official Notice and, in accordance with MPEP 2144.03C, request the Examiner cite a reference to support the Official Notice or remove the rejection. Further, it is noted that claim 16 recites "periodically prompting the consumer to place another purchase order for an assortment of feminine care products" and claim 18 recites "accepting a standing purchase order for the recommended assortment of feminine care products." Such recitals are much more than periodically prompting, as suggested by the Examiner. Applicants request the Examiner cite a reference which teaches such recitals or allow claims 16 and 28.

In any case, as explained above, claims 1 and 18 and the claims depending therefrom are patentable over these references. Claims 16 and 28 depending from claims 1 and 18, respectively, are patentable for the same reasons as claims 1 and 18 so that this rejection should be withdrawn.

Applicants note that none of the other art cited by the Examiner is relevant to the amended claims. Thus, it is submitted that all rejections should be withdrawn.

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CONCLUSION

It is felt that a full and complete response has been made to the Office action and, as such, places the application in condition for allowance. Such allowance is hereby respectfully requested. If the Examiner feels, for any reason, that a personal interview will expedite the prosecution of this application, he is invited to telephone the undersigned.

If there are any additional charges in this matter, please charge Deposit Account No. 19-1345.

Respectfully submitted,



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